



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6358-99

30 March 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that your request for reenlistment was denied because you had reached high year tenure. This action was taken because regulations state that unless an individual advanced to pay grade E-5 within 10 years after beginning active service, further service is not authorized. In your case the record shows that you completed over 12 years of active service and were still serving as an EM3 (E-4). You were honorably discharged on 25 July 1998. At that time you were assigned a Separation Program Designator (SPD) code of LGH and an RE-6 reenlistment code.

The regulations state that an SPD code of LGH should be assigned when an individual is being denied further service because of failure to meet high year tenure (HYT) requirements. The corresponding narrative reason for separation is "non-retention on active duty". This is an involuntary reason for discharge and should authorize the payment of separation pay. The only authorized reenlistment codes, as they apply to your situation, are RE-4 and RE-6. An RE-6 reenlistment code means that you are not eligible for reenlistment in the Navy because of HYT but it is not a bar to reenlistment in other components. An RE-4 reenlistment code means that an individual is not recommended for

reenlistment.

Since you have been treated no differently than others discharged due to HYT, the Board could not find an error or injustice in the assignment of the SPD code or the reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The DD Form 214 is in error because the phrase "non-retention on active duty" in block 23 should be entered as the narrative reason for separation in block 28. Block 23 should show that you were discharged from the Navy. This error can be corrected by submitting a request to the Commander, Navy Personnel Command (Pers 313), 5720 Integrity Drive, Millington, TN 38055.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director